

REMARKS

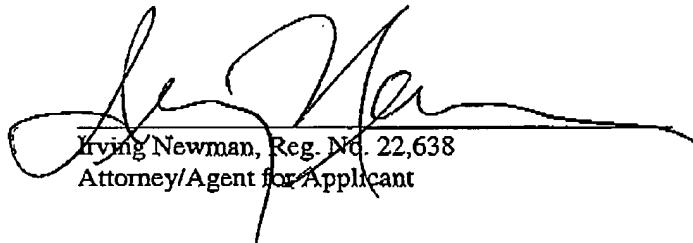
Claims 1-15 have been allowed, claim 17 has been cancelled and claims 16, 18, and 20-23, have been amended in accordance with the Examiner's suggestions.

The rejection of claim 23 under 35 U.S.C. 102(a) is traversed. The Examiner relies solely on Deutsche Sammlung (3/18/2002). However, as indicated in the paragraph bridging pages 11 and 12 of the specification, this is merely applicants' own deposit of the microorganism in accordance with the terms of the Budapest Treaty and is no evidence, whatsoever, of prior knowledge by a third party or publication within the ambit of 35 U.S.C. 102(a). Moreover, in accordance with the requirement set forth in the second complete paragraph on page 3 of the Action, Applicants are submitting herewith a Deposit Declaration by Drs. Wein and Sieber.

CONCLUSION

Accordingly, reconsideration and withdrawal of all rejections set forth in the Action are earnestly solicited. Applicants respectfully submit that the claims, 1-15, as well as 16 and 18 – 23, as hereby amended, are now in condition for allowance, and respectfully request a notice to this effect.

The Commissioner is hereby authorized to charge any fees that are due to this paper to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.



Irving Newman, Reg. No. 22,638
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-2785
Telefax (908) 231-2626

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